

108TH CONGRESS
1ST SESSION

S. 684

To create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2003

Mr. SMITH (for himself, Mr. WYDEN, Mr. ALLARD, Mr. BAYH, Mr. BOND, Mr. BROWNBACK, Mr. MILLER, Mr. NICKLES, Mr. SANTORUM, and Mr. SPECTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Koby Mandell Act of
5 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Numerous American citizens have been
9 murdered or maimed by terrorists around the world,
10 including more than 100 murdered since 1968 in
11 terrorist attacks occurring in Israel or in territories
12 administered by Israel or in territories administered
13 by the Palestinian Authority.

14 (2) Some American citizens who have been vic-
15 tims of terrorism overseas, especially those harmed
16 by terrorists operating from areas administered by
17 the Palestinian Authority, have not received from
18 the United States Government services equal to
19 those received by other such victims of overseas ter-
20 rorism.

21 (3) The United States Government has not de-
22 voted adequate efforts or resources to the apprehen-
23 sion of terrorists who have harmed American citi-
24 zens overseas, particularly in cases involving terror-
25 ists operating from areas administered by the Pales-

1 tinian Authority. Monetary rewards for information
2 leading to the capture of terrorists overseas, which
3 the Government advertises in regions where the ter-
4 rorists are believed to be hiding, have not been ad-
5 vertised in areas administered by the Palestinian
6 Authority.

7 (4) This situation is especially grave in the
8 areas administered by the Palestinian Authority, be-
9 cause many terrorists involved in the murders of
10 Americans are walking free there; some of these ter-
11 rorists have been given positions in the Palestinian
12 Authority security forces or other official Palestinian
13 Authority agencies; and a number of schools, streets,
14 and other public sites have been named in honor of
15 terrorists who were involved in the murders of
16 Americans.

17 (5) To remedy these and related problems, an
18 office should be established within the Department
19 of Justice for the purpose of ensuring equally vig-
20 orous efforts to capture all terrorists who have
21 harmed American citizens overseas and equal treat-
22 ment for all American victims of overseas terrorism.

1 **SEC. 3. ESTABLISHMENT OF AN OFFICE OF JUSTICE FOR**
2 **VICTIMS OF OVERSEAS TERRORISM IN THE**
3 **DEPARTMENT OF JUSTICE.**

4 (a) IN GENERAL.—There is established within the
5 Department of Justice an Office of Justice for Victims
6 of Overseas Terrorism (in this Act referred to as the “Of-
7 fice”) to carry out the following activities:

8 (1) REWARDS FOR JUSTICE.—

9 (A) IN GENERAL.—The Office shall as-
10 sume responsibility for administration of the
11 Rewards for Justice program and its website.

12 (B) ADMINISTRATION.—In administering
13 the Rewards for Justice program the Office
14 shall ensure that—

15 (i) rewards are offered to capture all
16 terrorists involved in harming American
17 citizens overseas, regardless of the terror-
18 ists’ country of origin or residence;

19 (ii) such rewards are prominently ad-
20 vertised in the mass media and public sites
21 in all countries or regions where such ter-
22 rorists reside;

23 (iii) the names and photographs and
24 suspects in all such cases are included on
25 the website; and

1 (iv) the names of the specific organi-
2 zations claiming responsibility for terrorist
3 attacks mentioned on the site are included
4 in the descriptions of those attacks.

5 (2) NOTIFICATION PROGRAM.—The Office shall
6 establish and administer a program—

7 (A) comparable to the VINE system for
8 notification of crime victims; and

9 (B) that will provide notification for Amer-
10 ican victims of overseas terrorism or their im-
11 mediate family to update them on the status of
12 efforts to capture the terrorists who harmed
13 them.

14 (3) GOVERNMENT REPRESENTATION.—The Of-
15 fice shall send an official United States Government
16 representative to attend the funeral of every Amer-
17 ican victim of terrorism overseas.

18 (4) REPORT.—The Office shall assume respon-
19 sibility for providing twice-annual reports to Con-
20 gress as required by section 805 of the Admiral
21 James W. Nance and Meg Donovan Foreign Rela-
22 tions Authorization Act, Fiscal Years 2000 and
23 2001.

24 (5) PROFITING FROM CRIMES.—The Office
25 shall work with other United States Government

1 agencies to expand legal restrictions on the ability of
2 murderers to reap profits from books or movies con-
3 cerning their crimes so as to ensure that terrorists
4 who harm American citizens overseas are unable to
5 profit from book or movie sales in the United States.

6 (6) TERRORISTS AS POLICE.—The Office
7 shall—

8 (A) determine if terrorists who have
9 harmed American citizens overseas are serving
10 in their local police or security forces; and

11 (B) if it is found that terrorists who have
12 harmed American citizens overseas are serving
13 in their local police or security forces—

14 (i) alert those United States Govern-
15 ment agencies involved in providing assist-
16 ance, directly or indirectly, to those forces;
17 and

18 (ii) request of those agencies that all
19 such assistance be halted until the afore-
20 mentioned terrorists are removed from
21 their positions.

22 (7) PATTERNS OF PROSECUTION.—The Office
23 shall—

24 (A) undertake a comprehensive assessment
25 of the pattern of United States indictments and

1 prosecution of terrorists who have harmed
2 American citizens overseas, in order to deter-
3 mine the reasons for the absence of indictments
4 of terrorists residing in some regions, such as
5 the territories controlled by the Palestinian Au-
6 thority; and

7 (B) provide the assessment to the Attorney
8 General and to Congress, together with its rec-
9 ommendations.

10 (8) MONITORING.—The Office shall—

11 (A) monitor public actions by governments
12 and regimes overseas pertaining to terrorists
13 who have harmed American citizens, such as
14 the naming of schools, streets, or other public
15 institutions or sites after such terrorists; and

16 (B) in such instances, encourage other
17 United States Government agencies to halt
18 their provision of assistance, directly or indi-
19 rectly, to those institutions.

20 (9) COMPENSATION.—The Office shall initiate
21 negotiations to secure appropriate financial com-
22 pensation for American citizens, or the families of
23 such citizens, who were harmed by organizations
24 that claim responsibility for acts of terrorism against
25 Americans overseas and that subsequently become

1 part of a governing regime with which the United
2 States Government maintains diplomatic or other of-
3 ficial contacts, such as the Palestinian Authority.

4 (10) INCARCERATED TERRORISTS.—The Office
5 shall—

6 (A) monitor the incarceration abroad of
7 terrorists who harmed Americans overseas, to
8 ensure that their conditions of incarceration are
9 reasonably similar to conditions of incarceration
10 in the United States; and

11 (B) in cases where terrorists who have
12 harmed Americans overseas, and are subse-
13 quently released from incarceration abroad, are
14 eligible for further prosecution in the United
15 States, coordinate with other Government agen-
16 cies to seek the transfer of those terrorists to
17 the United States for further prosecution.

18 (11) PERSONA NON GRATA.—The Office shall
19 strive to ensure that all terrorists who have harmed
20 Americans overseas are treated by the United States
21 Government as persona non grata, including steps
22 such as—

23 (A) denying those individuals visas for
24 entry to the United States;

1 (B) urging United States Government
2 agencies to refrain from political and diplomatic
3 contacts with those individuals; and

4 (C) instructing United States embassies
5 and consulates to urge American visitors to
6 those countries to refrain from patronizing
7 businesses that are owned or operated by such
8 individuals.

9 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—There are authorized to be appro-
11 priated for fiscal year 2003 and each subsequent fiscal
12 year such sums as may be necessary to carry out this Act.

13 (b) AVAILABILITY.—Amounts appropriated pursuant
14 to the authorization of appropriations under subsection (a)
15 are authorized to remain available until expended.

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